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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,952	06/05/2007	Jinfei Fan	30952/42211	3404

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EXAMINER	
SMITH, CHENECA	
ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/586,952	FAN ET AL.	
	Examiner	Art Unit	
	CHENECA SMITH	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *7/25/2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the application filed on July 25, 2006.

2. Claims 1-16 have been examined.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 6-10, 12-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ji et al (US Patent 6,836,657 B2).

As to claim 1, Ji teaches a method for updating communication equipment (see Fig.2, 122 ad associated text) in a communication system through a server (see Fig.2, 204 and associated text), which stores updated files used for updating the communication equipment (see col.6 lines 26-30), comprising:

backing up configuration data in the communication equipment to the server (see Fig.4, 406 and associated text, e.g. col.9 lines 38-43),

downloading the updated files to the communication equipment from the server, and loading the updated files to the communication equipment to implement the communication equipment update (see Fig.4, 410 and associated text, e.g. col.9 lines 31-34 and lines 47-51),

recovering the configuration data backed up in the server to the communication equipment (see Fig.4, 436 and associated text, e.g. col.10 lines 22-27).

As to claim 2, Ji teaches the method according to claim 1, wherein, the step of backing up the configuration data in the communication equipment to the server further comprises: the server monitoring the backup procedure of the configuration data and judging whether the configuration data are successfully backed up (see col.7 lines 35-42), if yes, executing the step of downloading the updated files to the communication equipment from the server and loading the updated files to the communication equipment to implement the communication update (see col.9 lines 38-54) otherwise, instructing the communication equipment to execute the backup operation for the configuration data again (see col.9 lines 55-64).

As to claim 3, Ji teaches the method according to claim 2, wherein, the step of the server judging whether the configuration data are successfully backed up comprises one of the two following procedures: judging whether the backup operation exceeds a scheduled time (see col.9 lines 55-64).

As to claim 4, Ji teaches the method according to claim 2, before instructing the communication equipment to execute the backup operation for the configuration data again further comprising: notifying a user the current configuration data backup has

failed and asking the user whether to back up the data over again, after receiving the user's instruction to back up the data over again, executing the step of instructing the communication equipment to execute the backup operation again, otherwise, ending the current process (see col.9 lines 55-67 and col.10 lines 1-2).

As to claim 6, Ji teaches the method according to claim 1, wherein, the configuration data comprise one or more than one type among user data (see col.8 lines 1-2).

As to claim 7, Ji teaches the method according to claim 1, wherein, the step of downloading the updated files to the communication equipment from the server and loading the updated files to the communication equipment to implement the communication update further comprises: the server monitoring the update procedure of the communication equipment and judging whether the update is successful (see col.7 lines 35-42), if yes, executing the step of recovering the configuration data backed up in the server to the communication equipment; otherwise, instructing the communication equipment to execute the update operation over again (see col.12 lines 52-54).

As to claim 8, Ji teaches the method according to claim 7, wherein, the step of the server judging whether the update is successful comprises one of the two following procedures: judging whether an update failure message is received from the communication equipment (see col.10 lines 30-34).

As to claim 9, Ji teaches the method according to claim 7, before instructing the communication equipment to execute the update operation again further comprising: notifying the user that the current update has failed and asking the user whether to

update the equipment over again; after receiving the user's instruction to update the equipment over again, executing the step of instructing the communication equipment to execute the update operation over again; otherwise, ending the current process (see col.10 lines 30-34).

As to claim 10, Ji teaches the method according to claim 7, further comprising: a step of storing an old software version in the communication equipment before executing the update operation (see col.9 lines 40-43), and a step of instructing the communication equipment to recover the current software to the old version before instructing the communication equipment to execute the update operation over again (see col.10 lines 22-27).

As to claim 12, Ji teaches the method according to claim 1, wherein, the step of recovering the configuration data backed up in the server to the communication equipment further comprises: the server monitoring the recovery procedure of the configuration data, and judging whether the configuration data are successfully recovered (see col.14 lines 59-67), if yes, ending the current process (see col.18 lines 9-16) otherwise, instructing the communication equipment to execute the recovery operation for the configuration data over again (see col.17 lines 23-28).

As to claim 13, Ji teaches the method according to claim 12, wherein, the step of the server judging whether the configuration data are successful recovered comprises one of the two following procedures: judging whether a recovery failure message is received from the communication equipment (see col.18 lines 39-42).

As to claim 14, Ji teaches the method according to claim 12, before instructing the communication equipment to execute the recovery operation for the configuration data over again, further comprising notifying the user that the current configuration data recovery has failed and asking the user whether to recover the configuration data over again; after receiving the user's instruction to recover the configuration data over again, executing the step of instructing the communication equipment to execute the recovery operation over again; otherwise, ending the current process (see col.18 lines 37-42).

As to claim 16, Ji teaches the method according to claim 1, wherein, the step of recovering the configuration data backed up in the server to the communication equipment further comprises a step of modifying the format of the configuration data (see col.10 lines 23-28).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 5, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ji et al (US Patent 6,836,657 B2) in view of Elwahab et al (US Patent Application Publication 2002/0023258 A1).

As to claim 5, Ji teaches the limitations of claim 1, but does not specifically teach wherein, the communication equipment is an Integrated Access Device (IAD) and the

server is a File Transfer Protocol/Trivial File Transfer Protocol (FTP/TFTP) server, and the step of backing up the configuration data in the communication equipment to the server further comprises: an IAD Management System (IADMS) sending a Simple Network Management Protocol (SNMP) backup configuration data command to the IAD; and the step of backing up the configuration data in the communication equipment to the server comprises: after receiving the SNMP backup configuration data command, the IAD transmitting the configuration data files to the specified FTP/TFTP server via the FTP/TFTP protocol.

In an analogous art, however, Elwahab is cited to teach managing (*i.e. upgrading/updating software*) Integrated Access Devices (IADs) (see [0017]) that are in communication with a FTP/TFTP) server (see [0046]). Elwahab also teaches sending Simple Network Management Protocol (SNMP) commands to the IAD (see [0028] lines 1-3 and transmitting data to the specified FTP/TFTP server via FTP/TFTP protocol (see [0033] lines 15-18). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified the method/system of Ji to include the limitations as taught by Elwahab in order to provide a generic methodology to manage a greater variety of services for efficient installation of needed network and service provider software upgrades, as suggested by Elwahab (see [0010]).

As to claim 11, Ji teaches the limitations of claim 1, but does not specifically teach wherein, the communication equipment is the IAD, and the server is the FTP/TFTP server, and the step of downloading the updated files to the communication equipment from the server and loading the updated files to the communication

equipment to implement the communication update further comprises: the IADMS sending an SNMP update command which comprises the address information of the FTP/TFTP server and the name information of the updated files; and the step of downloading the updated files to the communication equipment from the server and loading the updated files to the communication equipment comprises: after receiving the SNMP update command, the IAD downloading the updated files corresponding to the updated files name from the specified FTP/TFTP server via the FTP/TFTP protocol, and then loading the updated files.

In an analogous art, however, Elwahab is cited to teach managing (*i.e. upgrading/updating software*) Integrated Access Devices (IADs) (see [0017]) that are in communication with a FTP/TFTP) server (see [0046]). Elwahab also teaches sending Simple Network Management Protocol (SNMP) commands to the IAD (see [0028] lines 1-3 and transmitting data to the specified FTP/TFTP server via FTP/TFTP protocol (see [0033] lines 15-18). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified the method/system of Ji to include the limitations as taught by Elwahab in order to provide a generic methodology to manage a greater variety of services for efficient installation of needed network and service provider software upgrades, as suggested by Elwahab (see [0010]).

As to claim 15, Ji teaches the limitations of claim 1, but does not specifically teach wherein, the communication equipment is the IAD, and the server is the FTP/TFTP server, and the step of recovering the configuration data backed up in the server to the communication equipment further comprises: the IADMS sending an

SNMP recovery configuration data command which comprises the address information of the FTP/TFTP server and the name information of the configuration data files; and the step of recovering the configuration data backed up in the server to the communication equipment comprises: after receiving the SNMP recovery configuration data command, the IAD downloading the configuration data files corresponding to the configuration data files name from the specified FTP/TFTP server via the FTP/TFTP protocol, and then loading the configuration data files.

In an analogous art, however, Elwahab is cited to teach managing (*i.e. upgrading/updating software*) Integrated Access Devices (IADs) (see [0017]) that are in communication with a FTP/TFTP) server (see [0046]). Elwahab also teaches sending Simple Network Management Protocol (SNMP) commands to the IAD (see [0028] lines 1-3 and transmitting data to the specified FTP/TFTP server via FTP/TFTP protocol (see [0033] lines 15-18). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified the method/system of Ji to include the limitations as taught by Elwahab in order to provide a generic methodology to manage a greater variety of services for efficient installation of needed network and service provider software upgrades, as suggested by Elwahab (see [0010]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHENECA SMITH whose telephone number is (571)270-1651. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHENECA SMITH/
Examiner, Art Unit 2192
9/23/2010

/Tuan Q. Dam/
Supervisory Patent Examiner, Art Unit 2192